

REMARKS

The Examiner rejected all claims under the judicially-created doctrine of obviousness-type double patenting and found claims 21, 27 and 29 to be anticipated by Haber et al. Claim 31 was rejected as being obvious in light of Haber et al. and Nobel

While applicant disputes that the claims are obvious in light of applicant's prior patent, Applicants has submitted herewith a terminal disclaimer to obviate the obviousness-type double patenting rejection. Applicants maintain that the claims are of different scope than the parent application and rely on different points of novelty.

With respect to the art based rejections, Applicant respectfully traverses the same. It is axiomatic that in order to anticipate a claim, a piece of prior art must have every element of the claim. Applicant respectfully submits that Haber et al. does not have each element of claims 21, 27 or 29. With respect to claim 21, Applicant respectfully submits that Haber does not have a low profile tube with a port in communication with and perpendicular to the stoma tube. Therefore, claim 21 should be allowed. Claim 27 depends from claim 21 and should therefore be allowable as well.

With respect to claim 29, the infusion line of Haber et al. does not extend from the first end to the second end of the stoma tube. To the contrary, the infusion line extends less than half the length of the stoma tube. Thus, claim 29 is not anticipated by Haber et al.

With respect to claim to claim 31, Applicant respectfully traverses the rejection. First, there is no teaching in either reference how one would combine the stop-cock of Nobel with the hub of Haber et al. in order to meet the claim elements. Second, the stop-cock of Nobel does not have a port which can selectively align with the stoma tube. The ports in Nobel are fixed, with

the stop-cock merely provides a conduit between either of the ports and the port of the stoma tube. Thus, the combination, even if made, does not render the claim obvious.

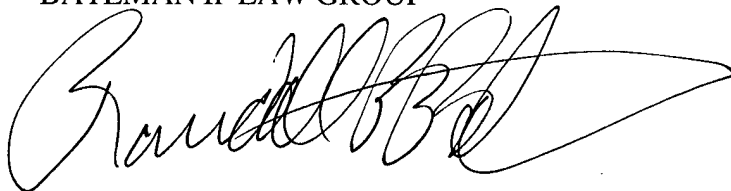
Claims 41-43 have been added to more fully claim the invention. Applicant submits that the prior art does not show the combination of a stoma tube, infusion line and port hub as claimed.

Should the Examiner determine that any adverse action is necessary, it is requested that the Examiner contact Applicants' attorney, Randall B. Bateman, so that such matters can be resolved as expeditiously as possible.

Applicant has included a credit card authorization for the additional independent claim and the three new claims. The Commissioner is hereby authorized to debit any amount owing or to credit any overpayment to Account No. 502720.

Respectfully Submitted,

BATEMAN IP LAW GROUP

A large, stylized handwritten signature in black ink, appearing to read 'Randall B. Bateman', is written over the printed name and firm name.

Randall B. Bateman
Reg. No. 37,774

10 West 100 South, Suite 425
P.O. Box 1319
Salt Lake City, Utah 84110
Telephone (801) 539-1900
E-mail: rbb@utah-ip.com